

### REMARKS

Claims 1-16 are pending in the application. The status of these claims is as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
2, 3, 6, 7, 9, 11, 13	Allowed/allowable	
1, 4, 5, 8, 10, 12 & 14-16	§102(e) Anticipation	<ul style="list-style-type: none"><li>Husung (U.S. Patent No. 6,466,679).</li></ul>

5 Applicants thank the Examiner for indicating the allowability of claims 2, 3, 6, 7, 9, 11 and 13.

Applicants have provided further discussion for distinguishing the present invention from the art cited against it.

10 Applicants' use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

#### **35 U.S.C. §102(e), CLAIMS 1, 4, 5, 8, 10, 12 AND 14-16 ANTICIPATION BY HUSUNG**

1. *Husung fails to teach or suggest the element of claim 1 that an antenna coil is wound around the earpiece or the microphone.*

15 In the OA on p. 3, in the top carryover paragraph, the Examiner stated that Husung shows:

an antenna coil (col. 2 lines 17-25, "SMD coil") that is wound around the receiver or the microphone...

Applicants respectfully disagree with this characterization of the teachings of Husung.

Husung does not discuss an antenna coil wound on the microphone or, respectively, the earpiece. Rather, Husung discloses what is known as a surface mounted device ("SMD") coil.

Husung teaches, at 2/17-29:

5                   Inventively, the compensation-inductance is an SMD  
coil permeated by the earphone current for achieving  
an active shielding of the earphone. The problem of  
magnetic couplings in the induction coil operation is  
10                   simply solved by the utilization of an SMD coil. This  
inductance is switched into the earphone line, so the  
coil has the earphone current flowing therein, and the  
emitted compensation field corresponds to the  
parasitic stray field of the earphone. The  
15                   compensation-inductance is directed toward the  
induction coil and the compensation field acts  
opposite to the earphone field at the same time, so  
that a negative feedback results, which leads to a  
suppression of the coupling.

As the name implies, the SMD coil is soldered directly onto the surface of  
20   the circuit board and is merely electrically connected with the earpiece. This  
does not teach anything about a special placement of the coil, particularly with  
respect to it being wound around the earpiece or microphone.


The basic idea of the invention is to wind an antenna coil directly on the  
earpiece or the microphone of a hearing device. The microphone or,  
25   respectively, thereby permitting the earpiece to take on the function of a coil  
core.

For these reasons, the Applicant asserts that the amended claim  
language clearly distinguishes over the prior art, and respectfully request that the  
Examiner withdraw the §102(e) rejection from the present application.

### CONCLUSION

Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

 (Reg. No. 45,877)  
Mark Bergner  
SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 Sears Tower  
Chicago, Illinois 60606-6473  
(312) 258-5779  
Attorney for Applicants  
Customer Number 26574

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on September 21, 2005.

